(g) three persons amongst legal academicians who have achieved their place of eminence in legal education/ research and who are not in the services of the University, to be nominated by the Chancellor.

Powers and functions of the Academic Council

- 22. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and functions, namely:—
 - (a) to report on any matter referred to or delegated to it by the Governing Council or the Executive Council;
 - (b) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and qualifications, emoluments and the duties attached thereto;
 - (c) to formulate, modify or revise schemes for the organization of the faculties, schools, centers or specialized institutes, and to assign to them their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty, school, center or specialized institute, or the combination of one with another;
 - (d) to make arrangements by regulations for the instruction and examination of persons other than those enrolled in the University;
 - (e) to promote research and to require reports on such research;
 - (f) to consider proposal submitted by faculties;
 - (g) to lay down policies for admission to the University.
 - (h) to recognize diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
 - to fix, subject to any conditions laid by the Governing Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes, and to award the same;
 - to make recommendations to the Executive Council in regard to the appointment of examiners and fixation of their fees, emoluments and travelling and other expenses;
 - (k) to make arrangements for the conduct of examinations and to fix dates for holding such examinations;
 - to declare the result of examinations, or to appoint committees or officers for declaration of such result, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;
 - (m) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and on such conditions as may be attached to the awards;

- (n) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for carrying out the provisions of this Act and the regulations.
- to recommend stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;
- (p) to approve or revise lists of prescribed or recommended text books and to publish the same and syllabus and the prescribed courses of study;
- (q) to approve such forms and registers as are, from time to time, required by the regulations;
- (r) to formulate, from time to time, the desired standards of legal education to be adhered to drawing up the curriculum /syllabi for being taught in the University; and
- (s) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations made there under.

Meetings of the Academic Council

- 23. (1) The Academic Council shall meet as many times as may be necessary, but at least once in six months.
 - (2) One-half of the existing members shall form the quorum for a meeting of the Academic Council.
 - (3) In case of difference of opinion among the members, the opinion of the majority shall prevail.
 - (4) Each member of the Academic Council, including the Chairman, shall have one vote and if there is an equality of votes on any question to be determined by the Academic Council, the Chairman, or, as the case may be, the member presiding over the meetings shall, in addition, have a casting vote.
 - (5) Every meeting of the Academic Council shall be presided over by the Vice-Chancellor and in his absence by a member chosen in the meeting to preside on the occasion.
 - (6) If urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of the papers to the members of the Academic Council. The action so proposed shall not be taken unless agreed to, by a majority of the members of the Academic Council. The action so taken shall forthwith be intimated to all the members of the Academic Council. In case the authority concerned fails to take decision, the matter shall be referred to the Chancellor whose decision shall be final.

Transitory powers of 24. Where any authority of the University is not constituted, the Vice-the Vice-Chancellor Chancellor, with the approval of the Chancellor, may discharge all

or any of the functions of such authority and, for that purpose, may exercise any power of such authority till such authority is constituted.

CHAPTER-IV

COMMITTEES

Finance Committee

- 25. Finance Committee constituted by the Executive Council shall consist of the following members, namely:—
 - (a) the Secretary (Finance) to the Government or his nominee;
 - (b) Registrar;
 - (c) three members, nominated by the Executive Council of whom one shall be Professor:

Provided that members of the Finance Committee, other than Vice-Chancellor and Professor shall hold office so long as they continue to be members of Executive Council.

Powers and functions of the Finance Committee

- 26. (1) The Finance Committee shall have the following powers and functions, namely:—
 - (a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
 - (b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
 - (c) to consider the periodical statements of accounts and to review the finances of the University, from time to time, to consider re-appropriation statements and audit reports, and to make recommendations thereon to the Executive Council; and
 - (d) to give views and to make recommendations to the Executive Council on any financial matters affecting the University, either on its own motion or on a reference from the Executive Council or the Vice-Chancellor.
 - (2) The Finance Committee shall meet at least once in every six months. Three members of the Finance Committee shall form the quorum for a meeting.
 - (3) The Vice-Chancellor shall preside over the meetings of the Finance Committee and in his absence a member elected at a meeting shall preside.
 - (4) The decisions of the Finance Committee shall be taken by simple majority of the members present and voting.
 - (5) All matters relating to creation of posts and grant of scales shall be brought before the Finance Committee for its recommendations before being placed before the Executive Council.

Dispute Resolution Committee

- 27. (1) There shall be a Dispute Resolution Committee to redress the dispute that may arise between the management and staff, management and students, teachers and students and teachers and management, comprising,—
 - (a) the Vice-Chancellor or his nominee;
 - (b) one member of the Executive Council, nominated by the Chancellor; and
 - (c) one member, nominated by the Chancellor, who is not part of any of the council or committees to the University and who is a distinguished law academic with at least fifteen years' experience in a similar institution.
 - (2) The Registrar shall be the convener of the Dispute Resolution Committee.
 - (3) Where the dispute relates to a complaint of sexual harassment, the Dispute Resolution Committee shall be reconstituted by co-opting certain additional members consistent with the law relating to sexual harassment.
 - (4) The Executive Council, or any smaller body, that may be constituted by it for this purpose, shall be the Appellate Authority.
 - (5) The rules and regulations governing the functioning of the Dispute Resolution Committee and the Appellate Authority shall be as framed by the Executive Council.

Selection Committee 28. (1)

- The Executive Council shall constitute Selection Committee for making recommendations for appointment to the posts of Professors, Associate Professors and other teachers of the University.
- (2) The Selection Committee shall consist of the following members, namely:—
 - (a) the Vice-Chancellor or his nominee;
 - (b) the Head of the Department concerned, if any, who is not lower in rank than that of the post for which selection is to be made:
 - (c) where an appointment is to be made to any academic post, three experts nominated by the Vice-Chancellor from amongst a panel of names recommended by the Academic Council; and
 - (d) Where appointment is to be made to any administrative post, three experts in the fields of University administration, nominated by the Vice-Chancellor from amongst a panel of names recommended by the Executive Council.
- (3) Where an endowment from a donor is accepted by the University for instituting a Chair, the donor may be co-opted



- as a member of the Selection Committee for the purpose of filling in that post.
- The meeting of the Selection Committee shall be convened by the Vice-Chancellor whenever necessary. The Vice-Chancellor or in his absence, a member of Selection Committee nominated by him shall preside over the meeting of the Selection Committee. Three members of the Selection Committee of whom one shall be an expert, shall form the quorum for a meeting of the Committee.

and ad-hoc committees

Standing Committee 29. Subject to the provisions of this Act and the regulations, the Executive Council may, by resolution, constitute such Standing Committees or appoint ad-hoc committees of such persons, for such purposes and with such powers as the Executive Council may thinks fit for exercising any power or discharging any function of the University or inquiring into and reporting or advising upon, any matter relating to the University.

CHAPTER-V

OFFICERS OF THE UNIVERSITY

Officers of the University

- 30. The following shall be the officers of the University:-
 - (a) the Vice-Chancellor or his nominee;
 - (b) the Registrar;
 - (c) Heads of the Departments; and
 - (d) such other officers as may be prescribed by the statutes or regulations.

The Vice-Chancellor

- 31. (1) The Vice-Chancellor shall be an accomplished academician and an outstanding scholar in law or an eminent jurist. He shall be a whole time salaried officer of the University.
 - (2) The Vice-Chancellor shall be appointed by the Chancellor on the recommendations of the Governing Council from out of a panel of not less than three persons recommended by the Selection Committee constituted under sub-section (4).
 - (3) The Selection Committee shall, while submitting the names, also forward to the Governing Council a concise statement showing the academic qualifications and other accomplishments of each of the persons so recommended, but shall not indicate any order of preference:

Provided that if the Chancellor does not approve any of the persons so recommended, he may call for the fresh recommendations.

(4) The Selection Committee referred to ir, sub-section (2) shall consist of three members of whom one shall be nominated by the Executive Council, one by the Chairman, University

Grants Commission and one by the Chancellor from among the retired or serving Judges of the Supreme Court or the High Court of Sikkim. The person nominated by the Chancellor shall be the convener of the Selection Committee:

Provided that, no person who is an employee of the University shall be nominated as the member of the Selection Committee.

(5) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty-five years, whichever is earlier. He shall be eligible for re-appointment for another term till he attains the age of sixty-five years:

Provided that the Chancellor may require the Vice-Chancellor after his term has expired to continue in office for such period, not exceeding a total period of one year as may be specified by him until he attains the age of sixty-five years.

- (6) The emoluments and other conditions of service of the Vice-Chancellor shall be as prescribed by regulations.
- (7) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Chancellor shall have the authority to designate a professor of the University to perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office, as the case maybe.
- (8) The Vice-Chancellor shall,-
 - (a) ensure that the provisions of this Act, statutes and regulations are duly observed, and he shall have all powers as are necessary for that purpose;
 - (b) convene the meetings of the Governing Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act;
 - (c) preside over the meetings of the Governing Council in the absence of the Chancellor:
 - (d) be the competent authority to appoint the teachers, librarians, finance officer and other officers in consultation with the Chancellor on the recommendations of the Selection Committee appointed by the Executive Council thereof for that purpose in accordance with the guidelines prescribed by regulations;
 - be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed by regulations;



- (f) have all powers relating to the maintenance of proper discipline in the University; and
- (g) if, in his opinion, any emergency has arisen which requires that immediate action be taken, he shall take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which, in the ordinary course, would have dealt with the matter.

The Registrar

- 32. (1) The Registrar shall be an academic person in law not below the rank of a Professor shall be appointed by the Chancellor on the recommendations of the Selection Committee constituted by the Executive Council and headed by the Vice-Chancellor in accordance with the provisions of the statutes and regulations.
 - (2) The Registrar shall,-
 - (a) be ex-officio Secretary of all the authorities, committees and other bodies of the University and shall be responsible for circulation of notices and agenda of all the meetings. He shall note and maintain the minutes of the meetings;
 - (b) be the principal adjutant of the Vice-Chancellor in all matters pertaining to the administration of the University. The Executive Council may entrust to him special responsibilities and powers as may be deemed fit;
 - (c) subject to the provisions of clause (d) of sub-section (8) of section 31, have the power to appoint, with the approval of the Vice-Chancellor, the non-teaching staff, including employees of last grade service and contingent staff in pursuance of the recommendations of the Selection Committee, appointed for that purpose, in the manner prescribed by regulations. He shall be the competent authority to take disciplinary action against such employees in accordance with such procedure as may be prescribed by regulations;
 - (d) comply with all directions and orders of the Executive Council and Vice-Chancellor; and
 - (e) be the custodian of records, common seal and such other property of the University as the Executive Council shall commit to his charge.
 - (3) The term of appointment of the Registrar shall be for a period of five years or till he attains the age of sixty two years, whichever is earlier. He shall be eligible for re-appointment by the Vice-Chancellor, with the approval of the Chancellor, for another term till he attains the age of sixty two years.
 - (4) In the event of the post of Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorize



any officer of the University to exercise such powers, functions and duties as the Vice-Chancellor may deem fit.

Heads of Department 33. (1) There shall be a Head for each Department in the University.

(2) The powers, functions, appointments and conditions of service of the Heads of the Departments shall be as prescribed by regulations.

Other officers and employees

- 34. (1) Subject to the regulations made for the purpose, every officer or employee of the University shall be appointed in accordance with a written contract which shall be lodged with the University and a copy thereof shall be furnished to the officer or employees concerned.
 - (2) Any dispute arising out of a contract between the University and any of its officers or employees shall, at the request of the officer or the employee concerned or at the instance of the University, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by regulations.

Statutes and regulations

- 35. (1) First statutes of the University shall be made by the Vice-Chancellor with the approval of the Chancellor. They shall be placed before the Governing Council at its first meeting, which may adopt them with or without modifications. Subsequent statutes or modifications in the first statutes shall be made by the Governing Council.
 - (2) First regulations of the University shall be made by the Vice-Chancellor with the approval of the Chancellor. They shall be placed before the Executive Council at its first meeting which may adopt them with or without modifications. Subsequent regulations or modifications in the first regulations shall be made by the Executive Council.

Vice-Chancellor and first Registrar

Appointment of first 36. Notwithstanding anything contained in this Act and the statutes, the first Vice-Chancellor who shall be an accomplished academician in law or an eminent jurist shall be appointed by the Chancellor and shall hold office of the Vice-Chancellor for a period of five years or till he attains the age of sixty- five years, whichever is earlier. The first Registrar shall be an academic person in law not below the rank of a Professor shall be appointed by the Chancellor on the recommendations of the Vice-Chancellor. He shall hold office for a period of five years or till a regular Registrar is appointed, whichever is earlier.

Discipline

37. The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the Heads of Departments, hostels and institutions.

Notwithstanding anything contained in sub-section (1), the punishment of debarring a student from an examination or rustication from the University, or a hostel or an institution shall, on the report of the Vice-Chancellor, be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving the student concerned a reasonable opportunity of being heard to show cause against the action proposed to be taken against him.

Deemed validity of appointments

38. Notwithstanding anything contained in any other law or instrument having the force of law, for the time being in force, the appointments made to any post in the University in accordance with the statutes or regulations shall be deemed to be valid and in accordance with law.

CHAPTER-VI

FINANCE

University Fund

- 39. (1) The University shall establish a fund to be called the University Fund.
 - (2) The following shall form part of, or be paid into, the University Fund, namely:—
 - (a) all contributions or grants made by the Government, the Central Government, the Bar Council of India, the Bar Council of Sikkim or the University Grants Commission;
 - (b) the income of the University from all sources including income from fees and charges; and
 - (c) all income or money from trusts, bequests, donations, endowments, subventions and other grants.
 - (3) The University Fund shall, at the discretion of the Executive Council, be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.
 - (4) The University Fund may be expended for such purpose of the University and in such manner, as may be prescribed by regulations.

Annual accounts and 40. (1) financial estimates

- The annual accounts of the University shall be prepared under the directions of the Executive Council.
- (2) The Executive Council shall prepare, before such date as may be prescribed by regulations, the annual financial estimates for the ensuing year and place the same before the Governing Council.



- (3) Where expenditure in excess of the amount provided in the budget is required to be incurred, the Executive Council may, for reasons to be recorded in writing, incur expenditure subject to such conditions and restrictions as may be prescribed by regulations and a report of such excess expenditure shall be made to the Governing Council at its next meeting.
- (4) The accounts of the University shall be audited by the auditors appointed by the Executive Council:

Provided that the Government may, whenever it considers necessary, direct that audit of the accounts of the University, including the institutions managed by it, shall be audited by such auditors as it may specify.

- (5) The accounts together with the audit report shall be placed before the Executive Council and shall also be submitted to the Government.
- (6) The annual accounts and the financial estimates shall be considered by the Governing Council at its annual meeting. The Governing Council may pass resolutions with reference thereto and communicate the same to the Executive Council, which shall take them into consideration and take such action thereon as it thinks fit. The Executive Council shall inform the Governing Council at its next meeting of the action taken by it or its reasons for taking no action.

CHAPTER-VII

ENROLMENT AND DEGREE

Qualifications for admission of students

41. No student shall be enrolled as a student of the University, unless he possesses such qualifications as may be prescribed by regulations.

University to follow Government policy in regard to reservation

- 42. (1) The University shall adopt the policy of the Government and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities (PWD) for appointment to different posts and for the purpose of admission of students.
 - (2) Thirty five percent of the seats for admission to each course shall be reserved for students who are bonafide residents of Sikkim:

Provided that if the requisite number of students fail to apply for the reserved seats, University shall be entitled to fill such seats on the basis of merit from the students residing anywhere in India.

(3) Ten seats shall be reserved for Non Resident Indians or the persons sponsored by them.

Terms and conditions of study

43. A student of the University shall study on such terms and conditions as may be prescribed by regulations.

Honorary degree

44. The Governing Council may, on the recommendations of not less than two-third of members of the Academic Council, confer by resolution, honorary degree or academic distinction, on a person who has eminent attainment and position.

Withdrawal of degree 45. (1) or diploma

- The Governing Council may, on the recommendation of the Executive Council, withdraw any degree, title, diploma, certificate, other distinction or privilege conferred on, or granted to, any person who has been convicted by a court of law for an offence involving moral turpitude or if he has been guilty of gross misconduct, by a resolution passed by majority of the total membership of the Governing Council and by a majority of not less than two-third of the members of the Governing Council present and voting.
- (2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity of being heard to show cause against the action proposed to be taken.
- (3) The resolution so passed by the Governing Council shall take effect immediately and the copy of the same shall be sent to the person concerned.

CHAPTER-VIII GENERAL

Execution of contracts

46. All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and such contracts shall be executed on behalf of the Executive Council by the Vice-Chancellor when the value of the contract is more than twenty lakhs rupees and by the Registrar when its value does not exceed twenty lakhs rupees.

University to follow rules, regulations, norms of the regulating bodies 47. Notwithstanding anything contained in this Act, University shall be bound to comply with all the rules, regulations, norms of the regulating bodies and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

Appointment of Review Commission

- 48. (1) The Chancellor shall, at least once in every five years, constitute a Commission to review the working of the University and to make recommendations.
 - (2) The Commission shall consist of not more than three eminent educationists, one of whom shall be the Vice-Chancellor, appointed by the Chancellor in consultation with the Government.



- (3) The terms and conditions of appointment of the members shall be such as may be determined by the Chancellor.
- (4) The Commission shall, after holding such enquiry as it deems fit, make its recommendations to the Chancellor.
- (5) The Chancellor may take such action on the recommendations as he deem fit.

Officers and employees to be public servant

49. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Proceedings not invalidated by vacancies

50. No act or proceedings of any authority or body of the University shall be invalid on the grounds merely of the existence of any vacancy in or any defect in constitution of such authority or body.

Protection of action taken in good faith

51. No suit shall be instituted against or other legal proceedings shall lie against or no damages shall be claimed from, the University, the authority or officer of the University, in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Sponsored Scheme

- 52. Notwithstanding anything contained in this Act or the regulations, whenever the University receives funds from any State Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University,
 - (a) the amount received shall be kept by the University in a separate account and shall be utilized for the purpose of the scheme only; and
 - (b) The staff required to execute such scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

Power to remove difficulties

53. If any difficulty arises in giving effect to the provisions of this Act or the regulations, the Government may, by order or as occasion requires, do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to it to be necessary or expedient for the purpose of removing the difficulty. Every such order shall have effect as if such action had been taken under this Act or the regulations:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

JAGAT B. RAI (SSJS) L.R-cum-SECRETARY, LAW DEPARTMENT.



SIKKIM



EVERAGERINARY

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

GOVERNMENT

Wednesday

13th June,

2018

No. 316

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

No.12/LD/18

Dated: 13.06.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of June, 2018 is hereby published for general information:-

THE SIKKIM NATIONAL LAW UNIVERSITY (AMENDMENT) ACT, 2018

(ACT NO. 12 OF 2018)

AN

ACT

to amend the Sikkim National Law University Act, 2018

Be it enacted by the Legislature of Sikkim in the Sixty-ninth Year of the Republic of India as follows:

Short title and commencement

- 1. (1) This Act may be called the Sikkim National Law University (Amendment) Act, 2018.
 - (2) It shall come into force at once.

Amendment of Section 1 In the Sikkim National Law University Act, 2018 hereinafter referred to as the "Principal Act," in Section 1, in sub-section (2), for the words "it shall be deemed to have come into force on 1st day of July, 2019", the words "it shall come into force at once" shall be substituted.

Amendment of Section 7 3. In the Principal Act, in Section 7, in sub-section (1), the word "senior" shall be omitted.

Amendment of Section 16

- 4. In the Principal Act, in Section 16,
 - (i) after clause (b), the following clause shall be inserted, namely:-



- "(bb) Sitting Judge of the High Court of Sikkim to be nominated by the Chief Justice, High Court of Sikkim."
- (ii) after clause (c), the following clause shall be inserted, namely:-"(cc) Advocate General."

Amendment of Section 25

5. In the Principal Act, in Section 25, in proviso to clause (c) for the word "Vice Chancellor", the word "Registrar" shall be substituted.

Amendment of Section 26

6. In the Principal Act, in Section 26, sub-section (3) shall be omitted.

Jagat B. Rai (SSJS), LR-cum-Secretary, Law Department.